

AU/AFF/001/2009-01

AIR FORCE FELLOWS

AIR UNIVERSITY

# HOLY JERUSALEM: THE KEY TO LASTING PEACE IN THE MIDDLE EAST

by

Christopher D. Harness, Colonel, USAF

A Research Report Submitted to ESS/FO  
In Partial Fulfillment of the Graduation Requirements

Advisor:

Mr. Remy M. Mauduit AFRI/RIJF  
Senior Editor, Air & Space Power Journal, French Air Force Research Institute

Maxwell Air Force Base, Alabama

May 2009

Report Documentation Page		Form Approved OMB No. 0704-0188
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.		
1. REPORT DATE <b>MAY 2009</b>	2. REPORT TYPE <b>N/A</b>	3. DATES COVERED <b>-</b>
4. TITLE AND SUBTITLE <b>Holy Jerusalem: The Key to Lasting Peace in the Middle East</b>		5a. CONTRACT NUMBER
		5b. GRANT NUMBER
		5c. PROGRAM ELEMENT NUMBER
6. AUTHOR(S)	5d. PROJECT NUMBER	
	5e. TASK NUMBER	
	5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>Air Command And Staff College Air University Air Force Fellows Maxwell Air Force Base, Alabama</b>		8. PERFORMING ORGANIZATION REPORT NUMBER
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)		10. SPONSOR/MONITOR'S ACRONYM(S)
		11. SPONSOR/MONITOR'S REPORT NUMBER(S)
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release, distribution unlimited</b>		
13. SUPPLEMENTARY NOTES		
14. ABSTRACT <p><b>This paper explores the Middle East Peace Process in terms of the historical and cultural attachment the three monolithic religions have toward the city of Jerusalem. Although conventional wisdom ascribes to four majors issues preventing a comprehensive settlement between the Israelis and the Palestinians: namely borders, security, right of return and Jerusalem, it is actually only Jerusalem that is paramount. If the issue of Jerusalems sovereignty can be solved a compromise solution for the other three will be found. Unfortunately, the common ground required for a negotiated settlement in regards to Jerusalem will never be found. Its religious value to Muslims, Jews and Christians alike have contributed to three millennia of monumental abuse, depravity and sacrifice, which acts as a limitless reservoir of cultural &amp;#8215;sunk costs no contemporary government can or will ignore. Therefore, the only way a lasting solution to peace in the Middle East can be found is by a forced settlement that Israelis and Palestinians will find palatable. If all parties perceive that there is no real winner then they are more likely to accept a mandate that is less than desired. The last requirement is to develop a governmental construct that gives both Israel and Palestine as much local sovereignty over individual neighborhoods and holy sites as possible. This paper suggests a new international construct. Instead of the old Corpus Separatum proposed by the United Nations, more appropriate form would be a Corpus Universitas, or world city, where everyone is a citizen of Jerusalem. One where the city is administered under revocable power by a UN member nation not associated with any of the three monolithic religions, is sanctioned, supervised and legitimized by the United Nations and it legislated by a two-tier system controlled by a council equally represented by Jews, Christians and Muslims.</b></p>		
15. SUBJECT TERMS		

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT <b>SAR</b>	18. NUMBER OF PAGES <b>53</b>	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>			

## **Disclaimer**

The views expressed in this academic research paper are those of the author(s) and do not reflect the official policy or position of the US government or the Department of Defense. In accordance with Air Force Instruction 51-303, it is not copyrighted, but is the property of the United States government.

## *Contents*

	<i>Page</i>
DISCLAIMER .....	II
PREFACE .....	IV
ABSTRACT .....	V
INTRODUCTION .....	1
IN JERUSALEM RELIGION IS POLITICS .....	5
Judaism's Claim to the Holy City .....	6
Christianity's Claim to the Holy City .....	13
Muslim Claim to the Holy City .....	16
Conclusion .....	19
THE PROBLEM WITH MODERN NEGOTIATIONS .....	23
First Arab-Israeli War .....	23
Six Day War .....	25
Yom Kippur War .....	27
First Camp David .....	28
First Intifada .....	30
Oslo Accords .....	30
Second Camp David .....	31
Conclusion .....	33
CORPUS UNIVERSITAS .....	37
The Death of a Negotiated Settlement .....	37
Jerusalem as a World City – Corpus Universitas .....	38
City Administration .....	39
The Role of the United Nations .....	40
The Global Council of Jerusalem .....	41
Checks and Balances of a Different Color .....	42
CONCLUSIONS .....	44
BIBLIOGRAPHY .....	47

## *Preface*

Having a unique opportunity to study at the Atlantic Council of the United States and Washington, DC for an entire year, I wanted to explore a topic I found interesting but never had the time to dig deeply into. Most importantly, I wanted to spend time outside of military tactic application or strategic acumen. The Middle East peace process felt like a perfect subject to accomplish both aims.

I would like to thank Mrs. Linda Switzer from the Department of State Library for her invaluable help weeding through the immense amount of information to get to the golden nuggets I needed to encapsulate a half of century of diplomacy into forty pages. I would also like to thank the International Security Program at the Atlantic Council for their understanding and encouragement during this research, especially Mr. Magnus Nordeman who always had an airpower question to keep me well grounded.

Finally, I would be remiss if I did not end this preface with special thanks for my wife and family. Their daily sacrifices without complaint in the service of their country are rarely acknowledged nor even remotely appreciated. Thank you Linda, Joshua, Connor and Rebecca!

### *Abstract*

This paper explores the Middle East Peace Process in terms of the historical and cultural attachment the three monolithic religions have toward the city of Jerusalem. Although conventional wisdom ascribes to four major issues preventing a comprehensive settlement between the Israelis and the Palestinians: namely borders, security, right of return and Jerusalem, it is actually only Jerusalem that is paramount. If the issue of Jerusalem's sovereignty can be solved a compromise solution for the other three will be found.

Unfortunately, the common ground required for a negotiated settlement in regards to Jerusalem will never be found. Its religious value to Muslims, Jews and Christians alike have contributed to three millennia of monumental abuse, depravity and sacrifice, which acts as a limitless reservoir of cultural 'sunk costs' no contemporary government can or will ignore.

Therefore, the only way a lasting solution to peace in the Middle East can be found is by a forced settlement that Israelis and Palestinians will find palatable. If all parties perceive that there is no real winner then they are more likely to accept a mandate that is less than desired. The last requirement is to develop a governmental construct that gives both Israel and Palestine as much local sovereignty over individual neighborhoods and holy sites as possible.

This paper suggests a new international construct. Instead of the old *Corpus Separatum* proposed by the United Nations, more appropriate form would be a *Corpus Universitas*, or world city, where everyone is a citizen of Jerusalem. One where the city is administered under revocable power by a UN member nation not associated with any of the three monolithic

religions, is sanctioned, supervised and legitimized by the United Nations and it legislated by a two-tier system controlled by a council equally represented by Jews, Christians and Muslims.



## Chapter 1

### Introduction

*In Jerusalem, more than in any other place I have visited, history is a dimension of the present.*

—Karen Armstrong

The Middle East: no other region best symbolizes mankind's search for the sublime or provides the starkest example of its proclivity to descend to its basest and most despicable motives. The world's three major monotheistic religions consider it their birthplace, regarding parts of its territory holy. Consequently and in seeming paradox, nations representing each of those religions for centuries have gone to war in an attempt to control it. Its list of conquerors throughout time is unparalleled: Hebrews, Assyria, Babylonia, Persia, Egyptians, Greeks, Seleucids, Romans, Byzantines, Arabs, Seljuks, Crusaders, Mongols, Mamelukes, Turks, British, and Jordanian.<sup>1</sup>

Since the British discovery of oil in 1908, the Middle East has added an additional dimension of strategic turmoil.<sup>2</sup> Current estimates have the Middle East possessing two thirds of the proven oil reserves in the world.<sup>3</sup> This relatively recent geo-political importance has only provided additional temporal interests to what was already a spiritually volatile land. Being found at the intersection of three of the world's continents adds yet another reason the Middle East has maintained its prominence as a global powder keg with a short fuse. Today, every nation on the globe has an interest in the status of the Middle East.

September 11, 2001 provided a third reason the world must remain concerned for this region. Its penchant for nurturing ungovernable spaces combined with the potential power of religious unrest has acted as an accelerant for radical Muslim terrorist groups bent on the reinstatement of a global Caliphate. The current conflict between Israel and the Palestinians acts both as a distraction and recruiting source for this despicable and destabilizing movement, which no one doubts contains additional strategic implications.

For these reasons the world at many different times has striven to solve the Rubik's cube that is Middle East peace. Britain and France created protectorates after World War One. Britain granted independence and created modern Israel after World War Two. The Soviet Union and United States in concert with the United Nations attempted to resolve the resulting bloodshed and warfare each previous resolution precipitated. The latest rocket fire from Gaza and the Israeli retaliation provide counterpoint to the futility of past peace protocols. A new perspective must be found.

If the Middle East has unquestioned value to the world, the city of Jerusalem is its most precious gem. Within its tiny borders rest temporal symbols priceless to all three religions. In the case of Jews and Muslims they occupy the same small hill! In a land where religion is central to national identity the status of Jerusalem is critical to Palestinians and Israelis alike. Experts on the peace process will list four issues preventing a lasting peace in the Middle East: security, borders, right of return and Jerusalem.<sup>4</sup> In reality, compromises on the former three will be achievable if a solution is found for the fourth. Finding the solution to the administration of this city is the only way forward to a stable, lasting peace in the Middle East.

This has proven to be easier said than done. This paper will illustrate how previous attempts at peace negotiation have either outright ignored the thorny problem of Jerusalem or else come

abruptly to a halt at its mere mention. The unadorned fact is neither the Palestinians nor the Israelis will allow the other complete control the city of Jerusalem. The city's cultural importance quickly spills over to concrete political consequences for either party, quickly supplanting either Israel's right to exist or the creation of the Palestinian state. Therefore, any solution must be unconventional and imaginative to overcome the insurmountable distance between each party's positions. It must avoid any perceived bias toward Israel, Palestine and any of the three religions who have holy sites within the city but it must allow for Israel and Palestine representation within its local government.

If Israelis will not suffer the Palestinians their capital in East Jerusalem and the Palestinians will continue to fight and die as refugees in their homeland rather than relinquish their perceived right to the Muslim religion's third holiest city, then they both must be allowed to equally possess it in its entirety as equal citizens of the first world city: a *Corpus Universitas*. Obviously, neither party will find this solution acceptable. Unlike previous attempts at negotiation where an entering requirement was any solution must be agreeable to both parties, this solution must be mandated by the world and ultimately for the world.

This paper will propose as a possible solution a city government consisting of a triumvirate between Administration, Legislation, and Sanctioning Body, each equal in the city's government and acting as checks against the eventual excesses of the other branches. It also makes recommendations on who could comprise these branches.

The centuries of consistent warfare and cultural tension has woven an original and most peculiar tapestry in the land known since the Roman Empire as Palestine. Jews, Muslims and Christians have lived and died, controlled and been persecuted, celebrated and lamented this small section of inhospitable frontier between the Jordan River and the Mediterranean Sea. An

epoch's worth of diverse and conflicting cultural capital has accumulated for which an account must be made. Ignoring this unique reality has resulted in past failures, while acknowledging it will allow for a unique solution necessary for this turbulent region.

### Notes

<sup>1</sup> Enderlin, Charles, *Shattered Dreams*. Translated by Susan Fairfield. (New York: Other Press, 2003), 177.

<sup>2</sup> Shlaim, Avi, *War and Peace in the Middle East*, (New York: Penguin Books), 1.

<sup>3</sup> Kovarik Bill. "The Oil Reserve Fallacy". 2003-2008 n.p. Online. Available from <http://www.runet.edu/~wkovarik/oil/>

<sup>4</sup> Eiland, Giora. *Rethinking the Two State Solution*. (Washington DC: Washington Institute for Near East policy, 2008), xi

## **Chapter 2**

### **In Jerusalem Religion is Politics**

Focusing solely on the contemporary causes and concerns of the Middle East conflict is much like studying calculus before one understands geometry and algebra. The current struggle over Jerusalem between the Israelis and the Palestinians is only the latest installment in a plethora of political players with their own causes and concerns stretching three millennia. From Joshua's conquest of the Promised Land until today, countless nations have coveted and conquered this economically valueless plot of land. Although lying at the intersection of three continents, it is too far from the coast to ever act as a convenient trade center. Alexandria and Tyre consistently outshine her in this capacity throughout history. Precious metals or oil were never discovered near her yet hundreds of thousands have died to possess her. What gives her value throughout the ages remains the same: "The holy places in Jerusalem are dear to the hearts of over two billion people."<sup>1</sup>

The same small hill in Old Jerusalem is considered holy by the three religions. For Jews and Muslims this hill contains physical manifestations of that holiness, the foundation of Solomon's Temple and the Dome of the Rock. A quarter of a mile away within the Christian Quarter of the old city, the Church of the Holy Sepulchre is built, it is believed, on the site of Christ's tomb.<sup>2</sup> These are just a few of the holy places that have acted as a loadstone for conquerors, intent on possessing the holy land for their respective religions. The desire to control Jerusalem that

Joshua, Saladin and King Richard I displayed still pertains to and materially influences the Middle East peace process today.

But the problem is not as simple as multiple nations of three religions struggling for control of the holy land. In their attempt to control it, they have all committed atrocities against the peoples of the other two religions further exacerbating the tension between them. Each successive conquest was made as much to preserve the holy land from 'heathens' as it was to control it for the 'true religion'. Consequently, each conquest added more fuel to the desire for reclaiming Jerusalem and revenge.

It is important for westerners, with our filtered, post-modern viewpoint, to understand and appreciate how religion and politics remain inextricably intertwined in the holy land and how volatile it makes any negotiations on a meaningful final settlement. Muslims, Jews and Christians have both lost and shed blood defending or avenging Jerusalem primarily to preserve and advance their perspective faiths. This chapter will succinctly summarize the three millennia of conflict surrounding the holy land in general and Jerusalem in particular in an effort to prove the current Israeli-Palestinian conflict is merely a continuum of a long line of struggles that at its core is religious in nature whose volatility mean there is no common ground between the three faiths to act as a basis for a successful negotiated settlement.

### **Judaism's Claim to the Holy City**

The drama that is Jerusalem begins somewhere around 1200BC when Joshua led the Jewish people from the wilderness into the land they claim God promised to them.<sup>3</sup> The invasion was exceptionally successful. Whole tribes were irradiated and the twelve tribes of Israel settled in the land of Canaan. Only one local tribe is remembered to have survived the initial invasion: the Jebusites of the city of Jerusalem.<sup>4</sup> Joshua was unable to dislodge them from their city and so

settled around them. It is not surprising Palestinians claim the Jebusites as their descendants today.

Israeli became divided by civil war around 1000BC with the descendants of the first king of Israel, Saul, ruling the northern kingdom and the rebel David ruling Judah in the south.<sup>5</sup> Eventually, David was able to defeat the rival king and rule all twelve tribes of Israel. In an attempt to prove impartiality between the two kingdoms, David chose to build his new capital between the northern and southern kingdoms. After a bloodless conquest, David made the previously free city Jerusalem that new capital with Jebusites still living beside the victorious Jews.<sup>6</sup>

David then moved the cherished Ark of the Covenant into the city and began plans for the construction of a magnificent temple worthy of the God that delivered on the promise of a homeland to house the Ark. He began to gather the building materials and his son, Solomon, finished the first Temple around 970BC.<sup>7</sup> It quickly became the most cherished institution in Israel, the focus of Jewish worship and the most important physical symbol of their national identity.

Israel under Solomon enjoyed its greatest successes. Solomon was able to double the size of the nation given to him by David.<sup>8</sup> But the unity of the twelve tribes would be short lived. After Solomon's death, conflict over who would ascend the throne after him resulted in the northern and southern kingdoms splitting again. The northern kingdom, called Israel, would move their capital to Samaria while the capital of the southern kingdom, Judah, would remain in Jerusalem.<sup>9</sup>

Both Israel and Judah spend the rest of their independence as pawns in a larger geopolitical competition between the empires of Assyria, Egypt and Babylon. In 722BC, the larger nation of Israel is conquered by Assyria. Judah survived as its vassal.<sup>10</sup> In 705, Jerusalem was

miraculously saved from the Assyrian army by an “angel of God”, which consequently strengthened Jewish attachment to their holy city. The Assyrian empire was easily able to absorb the larger nation of Israel but failed to conquer Jerusalem with a clearly superior force.<sup>11</sup> It also allowed the Temple to become the only sanctuary of worship of Jews for hundreds of years.

Yet Judah remained a chattel for empires. After Assyria was weakened Egypt became predominate in the region. Judah attempted to rebel in 609BC but its king, Josiah is slain in the first battle.<sup>12</sup> In 605, the Babylonian empire defeated Egypt making Judah their new vassal. Another failed attempt at rebellion placed the forces of Babylon on the doorstep of Jerusalem. This time there was no miracle. Jerusalem capitulated and Nebuchadnezzar plundered the Temple and deported Jewish royalty leadership to Babylon.<sup>13</sup> But Judah remained a nation until it attempted rebellion again in 586BC and forces Babylon to completely destroy the city and burn the Temple built by Solomon.<sup>14</sup>

Israel’s exile in Babylon is an extremely traumatic religious experience. With Jerusalem sacked and the Temple in ruins, temporal contact with God was broken.<sup>15</sup> While exiled in Babylon, Jews developed the practice of facing Jerusalem while in prayer.

After Persia conquered Babylon soon after the exile began, Cyrus issued an edict for the Jewish Temple to be rebuilt in an attempt to build popular support for his empire.<sup>16</sup> The foundation of the second Temple was laid in 520BC and it was completed in 515BC. Jewish contact with the divine was restored.

In 333BC, Alexander the Great defeated the Persian emperor Darius and Greece gaining control of the holy land.<sup>17</sup> With the death of Alexander, his empire devolved into four kingdoms led by his generals. Ptolemy I established his kingdom in Egypt in 301BC.<sup>18</sup> The Jews are provided religious autonomy thereby resisting any Hellenization of the Temple. But military



necessity would lead Antiochus III in 192BC to attempt to confiscate money from the Temple coffers to defend against the advancing Roman army. Jews were horrified at the flagrant desecration and again were miraculously saved when the approaching Antiochus was struck by a paralytic fit. Swearing he had seen the Jewish God with his own eyes, he immediately departed.<sup>19</sup>

Jews felt religion had been threatened and when in 170BC, it was rumored that Antiochus was killed in an encounter with the Romans, Jews attempted a coup. Antiochus was very much alive and returned to Jerusalem in vengeance. This time he succeeded in plundering the Temple and issued a decree forbidding the practicing of Jewish faith in Judah.<sup>20</sup> He destroyed the gates and walls separating the Temple from the city, planted trees within the sanctuary and placed a pagan standing stone next to the altar of sacrifice.<sup>21</sup> A Jewish guerrilla war ensued led by the Maccabees and in 164BC succeeded in taking Jerusalem back for traditional Jews and free from the Seleucid Greeks.<sup>22</sup>

Jewish worship at the Temple continued unhindered until the Roman Empire arrived in the holy land in 63BC. Jewish enemies to the Seleucid Greek supported King and High Priest of the Temple sought to use the Romans to depose what was thought to be a corrupt and sacrilegious dynasty. The High Priest Aristobulus II barricaded himself and his supporters in the Temple. Pompey breached the defenses, slaughtering 12,000 Jews and personally entering the Devir, the Holy of holies where only the High Priest may enter one time each year.<sup>23</sup> Quickly leaving the forbidden space, he ordered the Temple cleansed and installed his own High Priest, Hyrcanus II.

In an effort to build popular support from local Jews Herod, in 19BC, decided to rebuild the Temple. It was to be his masterpiece. He had priests train as masons and carpenters to insure the forbidden areas would be preserved and organized construction in such a way that daily

sacrifices were uninterrupted.<sup>24</sup> He constructed a supporting wall with stones weighing between two and five tons to enlarge the Mount to accept the new Temple and courtyard.<sup>25</sup> Josephus would boast that at sunrise the gold plates covering it would force a man to look away as if they were looking directly at the sun.<sup>26</sup> Rabbis would claim after its destruction: “Whoever has not seen the Temple of Herod has never seen a beautiful thing in his life”.<sup>27</sup>

As proud as the Jews were of their renovated Temple, the man who was responsible for its construction could still be guilty of sacrilege. When Herod had the Roman eagle placed on the top of the Temple gate, he had gone too far. With Herod lying on his death bed, two young men, motivated by the urgings of religious teachers, lowered themselves down from ropes and hacked the eagle down with axes.<sup>28</sup> Resulting riots resulted in the deaths of thousands of Jews and the ending of the Hasmonean dynasty: Judea would henceforth be ruled by Roman prefects with Caesarea as their capital.<sup>29</sup>

From this point to the eventual destruction of Herod’s Temple, Roman rule of the Jews is anything but peaceful, fueled by Jewish resistance to Roman attempts of Temple desecration. Pontius Pilate brought Roman troops with the portrait of Caesar under the cover of darkness in 26AD.<sup>30</sup> Caligula directed his statue be erected in the Temple in 41AD with Jews physically blocking Roman transport of the statue.<sup>31</sup> In 66AD, the end of Jewish dominion over Jerusalem began with Governor Florus attempting to take money from the Temple coffers to quell a riot. As before, Jerusalem exploded in violence. The Governor lost control of the city and was forced to pull out. The violence evolved into a full blown Jewish revolt. Initial success was doomed to failure. Four years of systematically stomping out pockets of resistance led the emperor’s son, Titus, to the gates of the Temple once again. The siege lasted seven months and on 6 August 70AD, the last sacrifice at the Temple was celebrated.<sup>32</sup> Six thousand Jewish zealots waited to

defend the sanctuary to the death. “The ordinary people fought in the forecourt and the nobility in the inner courts, while the priests defended the Temple building itself,” explains the Greek historian, Dio Cassius.<sup>33</sup> Tired of the endless turmoil in Judea and identifying the Temple as the source of the resistance, the Roman completely dismantled Herod’s magnificent Temple and the support buildings stone by stone. Additional measures included the confiscation of all Jewish land in the name of the Emperor and a manhunt for every descendant of King David.<sup>34</sup>

For the next eighteen centuries, the Jewish people had at best no political control over Jerusalem or the holy land and at worst they were actively victimized by every nation that controlled Jerusalem in their turn. But their attachment to the land they believe their God gave them never diminished. In the 19<sup>th</sup> century the political environment was conducive to the establishment of the Zionist movement, which advocated worldwide Jewish immigration back to the holy land with the intent of the establishment of a Jewish homeland. In 1891, Arab residents in Jerusalem became so concerned about Jewish population increases that they petitioned the Ottoman government to restrict further Jewish immigration.<sup>35</sup> The final plank in the current Arab-Israeli conflict was placed when Britain occupied Jerusalem during World War I.<sup>36</sup> Consequent peace negotiations gave Britain a mandate from the League of Nations which it retained through World War II.<sup>37</sup> British sympathies were with the Jewish settlers. During World War I, the Balfour declaration gave Jews renewed hope. It promised Lord Rothschild, a prominent British Jew, the British government would establish a Jewish nation in the holy land.<sup>38</sup> Jewish immigration continued to accelerate. On 29 November, 1947 the United Nations approved a proposal for two nations.<sup>39</sup> The Arabs rejected it out of hand while the Jews quickly accepted it. On 14 May, 1948 Israel proclaimed itself a state.<sup>40</sup> Violence quickly erupted marking the beginning of the first Arab-Israeli war.

Israel focused on occupying Jerusalem. West Jerusalem, where Jewish immigration was the strongest, quickly fell. In the village of Deir Yassin, 250 Arabs were slain and mutilated.<sup>41</sup> Loud speakers blared out the message, “Unless you leave your homes, the fate of Deir Yassin will be your fate!”<sup>42</sup> A flood of Arabs moved east into the Old City. Israel attempted to move east to occupy the prized Temple mount and the Wailing Wall but were stopped by the British led Jordanian Arab League.<sup>43</sup> An armistice was signed with Jerusalem split: Israel in control of the more modern western Jerusalem and Jordan in control of the Old City and its holy sites.<sup>44</sup>

For the next nineteen years, this armistice held. Jews were denied access to the Wailing Wall until they return the occupied territories to the Arabs. The center of Jerusalem was transformed into a no-man’s land complete with fortifications and minefields.<sup>45</sup> Negotiations, covered more closely in the following chapter, made absolutely no progress with regard to the Holy City. It would take another conflict to break the status-quo.

Feeling threatened by a pending Egyptian invasion, Israel began a conflict against a three state Arab alliance that would be called the 6-day war.<sup>46</sup> Israel was victorious and Jerusalem came under their complete control. When it became clear that Arabs were retreating from the Holy City, the first thought from Israeli soldiers was the Temple mount and the Wailing Wall. Men left their vehicles and ran toward the wall. Shlomo Goren, the army’s chief Rabbi came forward with the Torah scrolls and a ram’s horn, two articles forbidden at the Wailing Wall throughout alien occupation.<sup>47</sup> He urged the officer in charge to bring one hundred kilos of explosives and bring down the Dome of the Rock. The officer refused.<sup>48</sup> After the war ended, Israel bulldozed an entire Arab neighborhood adjacent to the Wailing Wall to enlarge the sacred place.<sup>49</sup> The city’s reunification was considered a profound spiritual experience. It would finally be eternal and irreversible and no compromise would be allowed.<sup>50</sup>

Throughout recorded history the Jewish people have identified Jerusalem and the holy land as their homeland. When compared to the migrations of the many European tribes over the same slice of history, this attachment to a single piece of land and a single insignificant city is remarkable. Remarkable still is the number of times the Jews have been forcibly rejected from this homeland. Powerless Jews resisting foreign rule over and over again can only be deemed illogically fatalistic. The only reasonable explanation can be spiritual attachment the Jews feel toward Jerusalem and their Temple. This allegiance has not diminished over the centuries. In fact, the past failures they have experienced make them even more committed to keeping the holy city now that military success have given them dominion over it once again.

### **Christianity's Claim to the Holy City**

Christianity's claim to Jerusalem begins with the Roman Emperor Constantine. In an attempt to consolidate support for his rule after civil war, Constantine made Christianity an official religion of the empire in 312AD.<sup>51</sup> Soon thereafter, Christians began to make their mark on Jerusalem. Bishop Makarios asked for permission to destroy the Temple of Aphrodite in order to uncover the tomb of Christ.<sup>52</sup> Permission was granted by Constantine and two years later a rock tomb was discovered generating incredible excitement. Bishop Eusebius described the event as contrary to all expectation. Constantine himself was said to be astonished.<sup>53</sup> Physical proof of the life of Jesus transformed Jerusalem from the city where Jesus was killed to a focus of Christian worship. Construction of the Church of the Holy Sepulchre began around this site. Likewise, Constantine himself sponsored the construction of the basilica on the site of the crucifixion called the Martyrdom.<sup>54</sup> In 335, it was dedicated as a royal event where every Bishop of every diocese was invited to attend at the empires expense.<sup>55</sup>

These monuments to the Savior led to a surge of Christian pilgrims to Jerusalem. Perhaps the most famous of those early pilgrims was the Emperor's own mother, Helena. She visited the holy land in 327, commissioning two basilicas of her own in Bethlehem and on the Mount of Olives.<sup>56</sup> With each monument Christians transformed Jerusalem into their city. They would ensure that Jews were never permitted to live in Jerusalem so long as they ruled. Jews were prohibited to hold any public office and the Hebrew language was forbidden.<sup>57</sup> Perhaps the best summation of Byzantine opinion to the Jewish claim to Jerusalem was made by the emperor Justinian when, upon completion the massive chapel Nea (new church) he said, "I am greater than you, King Solomon."<sup>58</sup>

For three centuries the Byzantine Empire held Jerusalem. The Temple Mount was deliberately transformed into a heap of ruins and garbage.<sup>59</sup> But other political and religious forces were stirring in the Middle East. Persia destroyed most of the Christian churches in Jerusalem while they controlled it from 614 to 629 killing, reportedly with the help of Jews, as many as 90,000 Christians.<sup>60</sup> The city was finally lost when Caliph Omar took it in February of 638 in the name of a new religion.<sup>61</sup>

Christendom struggled through the dark ages splintered and ineffective on the world stage. It took three additional centuries before the Byzantine Emperor, Alexius Comnenus I, was able to build enough of a consensus in Europe to organize an invasion of the holy land. Pope Urban at the Council of Clermont preached a war to free the holy land from the infidel. Its ultimate goal was to liberate Jerusalem.<sup>62</sup> Ten separate armies of over two hundred thousand soldiers poured toward Jerusalem. It took three long years to make it to the gates but in 1099 Jerusalem once again was in Christian hands.<sup>63</sup> Whether it was revenge, the rumor that its

citizens had swallowed their gold or a combination of the two, the Crusaders spared no one.<sup>64</sup> Thirty thousand Muslims and Jews lost their lives. The streets literally ran with blood.<sup>65</sup>

The Kingdom of Jerusalem was established with the Crusader Godfrey of Boullion as their ruler. He refused to be called King. Instead he chose the title: Advocate of the Holy Sepulcher.<sup>66</sup> The Christian Franks began another round of church building in the city including renovating the Holy Sepulcher Church.<sup>67</sup> In 1115, in the ultimate act of religious dominance, they placed a cross on the Dome of the Rock and renamed it Temple of the Lord.<sup>68</sup>

But the Frankish Kingdom of Jerusalem was a Christian island in a Muslim ocean. It would last less than a century. In 1187, Saladin successfully reclaimed Jerusalem from Christianity.<sup>69</sup> Christians would retain a foothold in the holy land in Tyre until 1291 and from there make several attempts to retake the lost territory.<sup>70</sup> Although the Third Crusade led by Richard the Lion Hearted in 1192 would come closest, none would be successful.<sup>71</sup> The violent and hateful nature of each attempt would poison Christian relations with Muslims to this day.<sup>72</sup>

The next time a Christian nation would have a direct impact on Jerusalem would be during Ottoman rule in the 19<sup>th</sup> century. An earlier decision to admit European “councils” into Jerusalem to care for their citizens, called the Capitulations, would blossom into a building and conversion contest between the various Christian religions.<sup>73</sup> This new “peaceful crusade” was designed to take possession of portions of the city important to Christianity and to influence the overall governance of the city.<sup>74</sup> Between 1841 and 1861, twenty five churches and public buildings were built in Jerusalem.<sup>75</sup> When the First World War began, it found Jerusalem in many cases ready for Mandate rule.

The last time a Christian nation governed Jerusalem began as World War I ended. General Allenby, The British commanding officer in the Middle East, arrived to occupy

Jerusalem on a white stallion. He dismounted and walked into the city. He reasoned if that was how his savior entered the city, so would he.<sup>76</sup> Britain's occupation of the city during the war gave them the leverage to receive it as a mandate from the League of Nations.

The breakup of the Ottoman Empire after the war would create the Arab nations of Transjordan, Lebanon, Syria, and Iraq but it was the intent of Christian Europe to keep Jerusalem under an "international administration" as proposed in the Sykes-Picot agreement of 1916.<sup>77</sup> The British believed Jerusalem was a city sacred to millions of "citizens in spirit" and that they had a sacred trust of civilization.<sup>78</sup> Neither the Arabs nor the Jews supported new concept. The Jews had been promised a state of their own in the Balfour declaration while the Arabs felt that one thousand years of uninterrupted rule in the city gave them the unquestioned right to possess the city. Mandate rule for Britain was filled with constant conflict and demonstrations with Jerusalem being the focus of the strife. After the Second World War, they were eager to leave the troubled hotspot. Under the 1947 proposal, the UN would assume responsibility for governing Jerusalem as a "Corpus Separatum". The first Arab-Israeli War would preclude its execution.

### **Muslim Claim to the Holy City**

The rise of Islam can only be labeled as meteoric. What started as a local spiritual movement in 610AD had succeeded in subduing the city of Mecca within twenty years.<sup>79</sup> By 636, a Muslim army defeated the Byzantines at Yarmuk. By 637, they were camped outside Jerusalem's walls and in 638 it was subdued.<sup>80</sup> Eventually, Muslim armies would spread Islam through North Africa and onto the Iberian Peninsula.

Jerusalem was holy to Islam from its inception. Jerusalem would be the place where the people would gather and rise upon the Day of Judgment.<sup>81</sup> It is important to note that initially



Muhammad required Muslims to bow toward Jerusalem when they prayed and only changed to the city of Mecca in 624 when it was clear that Arab Jews and Christians would not willfully convert to Islam.<sup>82</sup> The Temple Mount became associated with Muhammad's night journey to heaven as the "Farthest Mosque" in the Qur'an.<sup>83</sup>

A new dome was necessary to challenge the Anastasis and the Church of the Ascension on the Mount of Olives. Seeking to compete with their Muslim rivals during one of the many civil wars to determine who would ascend the throne after the death of the previous ruler, the Omayyad caliphs built the Temple Mount mosque and the Dome of the Rock as an alternative pilgrimage location to Mecca.<sup>84</sup> Now two religions would consider the same hill sacred and a part of their identity.

Muslim dominance in Jerusalem had been attained with relatively little bloodshed and looting. The Byzantine Patriarch escorted Caliph Umar into the city and led him to the Temple Mount. The Muslim historian, Mujir al-Din was horrified to see the filth on the Temple Mount.<sup>85</sup> Christians and Jews were considered "protected minorities", which meant they were not allowed to ride horses, they could not arm themselves and they were forced to pay a poll tax for their protection. They were not allowed to build without permission, their places of worship could not tower over Muslim buildings and they had to wear distinctive clothing.<sup>86</sup> It was not long before their minority status and foreign worship would result in more degrading incidents.

In 947, Muslim officials tried to stop the annual ceremony of the Holy Fire in the Anastasis. During one of the many attempts by Byzantium to retake Jerusalem, Muslim and Jews both attacked the Anastasis, set fire to the Martyrium and looted the Basilica of the Holy Sion. They dragged the Patriarch and burned him at the stake. In 938, Christians were attacked during their Palm Sunday procession.<sup>87</sup> Finally, in 1009 the Caliph gave orders for both the

Anastasis and the Martyrium to be razed to the ground. Laws were set in place to force Christians and Jews to convert to Islam. In 1011, Jews were stoned during a funeral procession and the Jerusalem synagogue was desecrated and its scrolls burned.<sup>88</sup>

After losing Jerusalem to the Crusaders, Caliph Nur ad-din called for his own holy war to reclaim it.<sup>89</sup> His nephew, Saladin, succeeded him after another bloody civil war and in 1187 entered Jerusalem as its conqueror. An Arab chronicler at the time best described Muslim feeling toward Jerusalem, “We are ready to lay down lives for her as a bride-price, to bring her a blessing that would remove the tragedy of her state. To give her a joyful face to replace the expression of torment, to make heard, above the cry of grief from the rock, the prompt echo of the summons which calls for help against the enemies, an echo to bring the exiled faith back to her own country and drive away from al-Aqsa those who God drove away with his curse.”<sup>90</sup> The Mosque and Dome were cleansed and worship resumed.

The centuries following the recapture exhibited similar characteristics as Muslim control had before the crusades. After Saladin’s death his heirs would fight against each other for control.<sup>91</sup> Multiple civil wars over who would rule the Islamic world regularly destabilized the region and Jerusalem. Each new Caliph or Sultan basically had the same philosophy toward Jews and Christians and each valued Jerusalem as a holy city exclusive to Muslims. A few examples can act to summarize the year prior to the Ottoman Empire approving capitulations to European nations as described previously.

In 1365, when the Hospitalars attacked Alexandria from their base in Cyprus, the entire Franciscan community in Jerusalem was arrested. In 1391, Franciscan monks asked for an audience and purposefully insulted the Prophet in order to be martyred.<sup>92</sup> Sultan Barsbay closed the Upper Room church because it was above the revered Tomb of David.<sup>93</sup> In 1473, another

Jerusalem synagogue was demolished by an angry Muslim mob after they had received permission (and paid the appropriate bribes) to renovate. The reason was it was too close to a Mosque.<sup>94</sup>

Felix Fabri, a German pilgrim, left an account of how he was treated while arriving in Jerusalem. Muslim official grabbed each person roughly and demanded their name and reason for visit. They were then hurled into a “darksome and decayed dwelling beneath a ruinous vault even as men are wont to thrust a sheep into a stable to be milked.”<sup>95</sup>

The insolent manner with which Muslims treated Christians and Jews did not end during the British mandate. In August of 1929, Jews demonstrated for independence at the Wailing Wall during which they displayed the Zionist flag and sang the Zionist anthem. That Friday following prayers, Muslims emerged and assaulted the Jews in the Old City saying, “O Jews, the faith of Muhammad is fulfilled with the sword!” In a week and a half of rioting, 133 Jews were slain.<sup>96</sup> The entire Jewish community in Hebron was wiped out.<sup>97</sup>

## **Conclusion**

When looking for a workable solution to the Arab-Israeli conflict, final status of Jerusalem is the most critical. It is considered priceless to both Israel and Palestine. Its value is based on primarily religious beliefs. Centuries of sacrifice and warfare to defend or reclaim this city are massive sunk costs that make it exponentially more valuable and too painful to contemplate its loss.

Each religion has coveted Jerusalem. In their desire to attain it they have insulted and abused the other two. This has only exacerbated the difficulty in finding a lasting solution. Jews and Muslims demand the city for themselves, they will never allow the other to possess it and they distrust Christian nations to mediate between them because they remember the past.

## Notes

- <sup>1</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 103.
- <sup>2</sup> Gorenberg, Gershom. *The End of Days*. (New York: The Free Press, 2000), 69.
- <sup>3</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 22.
- <sup>4</sup> Ibid, p.22
- <sup>5</sup> Ibid, p.36
- <sup>6</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 11.
- <sup>7</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 47.
- <sup>8</sup> Ibid, p.47
- <sup>9</sup> 1 Kings 12:16-19
- <sup>10</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 68.
- <sup>11</sup> Ibid, p.70.
- <sup>12</sup> Ibid, p.76.
- <sup>13</sup> Ibid, p.77.
- <sup>14</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 12.
- <sup>15</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 79.
- <sup>16</sup> Ibid, p.91
- <sup>17</sup> Ibid, p.103
- <sup>18</sup> Ibid, p.104
- <sup>19</sup> Ibid, p.110
- <sup>20</sup> Ibid, p.113
- <sup>21</sup> Ibid, p.114
- <sup>22</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 12.
- <sup>23</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 123.
- <sup>24</sup> Ibid, p.130.
- <sup>25</sup> Ibid, p.131.
- <sup>26</sup> Josephus, Flavius. *Josephus, The Complete Works*. Translated by William Whiston. (Thomas Nelson Publishers: Nashville, 1998), 848.
- <sup>27</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 132.
- <sup>28</sup> Ibid, p.139.
- <sup>29</sup> Ibid, p.140.
- <sup>30</sup> Ibid, p.141.
- <sup>31</sup> Ibid, p.149.
- <sup>32</sup> Ibid, p.151.
- <sup>33</sup> Ibid, p.152.
- <sup>34</sup> Ibid, p.153.
- <sup>35</sup> Ibid, p.369.
- <sup>36</sup> Ibid, p.370.
- <sup>37</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 22.
- <sup>38</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 373.
- <sup>39</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 24.
- <sup>40</sup> Ibid, p.24.
- <sup>41</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 387.
- <sup>42</sup> Ibid, p.346.
- <sup>43</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 27.

## Notes

- <sup>44</sup> Ibid, p.25
- <sup>45</sup> Ibid, p. 28
- <sup>46</sup> Quandt, William B, *Peace Process*. (Washington DC: The Brookings Institution, 2005),
39. <sup>47</sup> Gorenberg, Gershom. *The End of Days*. (New York: The Free Press, 2000), 99.
- <sup>48</sup> Ibid, p.100
- <sup>49</sup> Ibid, p.102.
- <sup>50</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 35.
- <sup>51</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 174.
- <sup>52</sup> Ibid, p.179.
- <sup>53</sup> Ibid, p.180.
- <sup>54</sup> Ibid, p.181.
- <sup>55</sup> Ibid, p.189.
- <sup>56</sup> Ibid, p.187.
- <sup>57</sup> Ibid, p.185-209.
- <sup>58</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 13
- <sup>59</sup> Ibid, p.145
- <sup>60</sup> Norwich, John Julius. *Byzantium, The Early Centuries*. (New York: Alfred A Knopf, 1996), 285.
- <sup>61</sup> Ibid, p.307
- <sup>62</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 271.
- <sup>63</sup> Robinson, John J. *Dungeon, Fire and Sword*. (New York: M. Evans & Company Inc., 1991), 17.
- <sup>64</sup> Ibid, p.18.
- <sup>65</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 274.
- <sup>66</sup> Robinson, John J. *Dungeon, Fire and Sword*. (New York: M. Evans & Company Inc., 1991), 20.
- <sup>67</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 286.
- <sup>68</sup> Ibid, p.280
- <sup>69</sup> Robinson, John J. *Dungeon, Fire and Sword*. (New York: M. Evans & Company Inc., 1991), 154.
- <sup>70</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 307.
- <sup>71</sup> Reston, James Jr. *Warriors of God*. (New York: Anchor Books, 2001), 334.
- <sup>72</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 294.
- <sup>73</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 20
- <sup>74</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 361.
- <sup>75</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 148.
- <sup>76</sup> Gorenberg, Gershom. *The End of Days*. (New York: The Free Press, 2000), 85.
- <sup>77</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 22.
- <sup>78</sup> Ibid, p.139
- <sup>79</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 220.
- <sup>80</sup> Ibid, p.228
- <sup>81</sup> Ibid, p.235
- <sup>82</sup> Ibid, p.222

## Notes

- <sup>83</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 76
- <sup>84</sup> Ibid, p.145.
- <sup>85</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 228-229.
- <sup>86</sup> Ibid, p.231.
- <sup>87</sup> Ibid, p.256.
- <sup>88</sup> Ibid, p.259.
- <sup>89</sup> Ibid, p.289.
- <sup>90</sup> Reston, James Jr. *Warriors of God*. (New York: Anchor Books, 2001), 77.
- <sup>91</sup> Armstrong, Karen, *Jerusalem*. (New York: Alfred A Knopf, 1996), 300.
- <sup>92</sup> Ibid, p.314.
- <sup>93</sup> Ibid, p.316.
- <sup>94</sup> Ibid, p.320.
- <sup>95</sup> Ibid, p.318.
- <sup>96</sup> Gorenberg, Gershom. *Th. End of Days*. (New York: The Free Press, 2000), 81.
- <sup>97</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 80

## **Chapter 3**

### **The Problem with Modern Negotiations**

After World War II the need to bring peace to the Middle East became even more important. The introduction of nuclear weapons coupled with the advent of the Cold War it quickly became apparent any geopolitical instability could act as an accelerant toward a conflict inconceivably devastating to the world. Nothing defines instability more succinctly than the struggle to control Jerusalem.

Each successive round of negotiations can be characterized by gradual agreement on the peripheries of issues between Israelis and Arabs. Examples would be formal recognition of Israel or reclaiming territory lost in the three Arab-Israeli wars. Consistently throughout all negotiations was the intractability of the position on Jerusalem from both sides. The amazing progress made during the first Camp David and at Oslo has its poignant counterpoint in the palatable silence of the diplomats and the demonstrative rage in public outcry when discussing Jerusalem.

#### **First Arab-Israeli War**

With the UN Resolution partitioning Palestine into two nations, one Jewish and one Arab, Israel immediately accepted and declared themselves a state on 14 May 1948.<sup>1</sup> In contrast Arabs rejected the resolution and immediately went to war to reclaim it in its entirety.

Consequently for the Israelis it became a war of survival. When they successfully defended themselves and actually secured more than the UN promised, it reinforced the belief that conflict produces more gains than negotiation.<sup>2</sup> In the course of the conflict, Israel lost control of the Jewish Quarter in the Old City. On the evening prior to the cease fire, they made one more attempt to reclaim it by attempting to blow a hole in the Ottoman wall that acted as the boundary to the Old City.<sup>3</sup> They were unsuccessful and were forced to accept their new nation would begin without control of the Temple Mount.

The first policy decision Israel faced was their position on the city of Jerusalem. They had three choices: accept the UN plan of internationalization of the city, partition the city between them and Transjordan along the cease fire lines, or reignite the war and attempt to take the city.<sup>4</sup> The first vote decided not to return to war. The second, by seven to four with two abstentions, they accepted the partition along the cease fire lines.<sup>5</sup> They felt it was better to lose a part of the city for a time than to voluntarily surrendering it forever to a Christian mandate.

Meanwhile, Transjordan was stabilizing its gain after the conflict. King Abdullah convened the Jericho Conference where two thousand Palestinians expressed their desire to be included in Transjordan. In 1950 and despite other Arab nation's protests, Transjordan annexed the West bank and the Old City of East Jerusalem into the new Hashemite Kingdom of Jordan.<sup>6</sup> They also were opposed to an internationalization of Jerusalem.

Negotiations between Jordan and Israel began in November of 1948 and would continue until early 1951. Progress was quickly made on military issues like a non-aggression pact and the terms of a peace settlement. Over Jerusalem, however, no progress was made and using a technique that would become standard regarding the city in all future negotiations, the parties



tabled any further discussion and in the signed Armistice agreement committed to create another committee to discuss the unresolved issues of Jerusalem at a future date.<sup>7</sup>

Jordan was happy to retain the Old City but wanted displaced Arabs to return to their homes in Israel. Israel was not interested in any refugees returning to the new Jewish nation. Knowing that Jordan will never relinquish the Temple Mount, they focused on Jordanian recognition of Israel and gaining access to the Wailing Wall and the Israeli sector of Mount Scopus.<sup>8</sup> No progress could be made to break the stalemate so the issues in dispute at the time of the armistice agreements would remain unresolved by negotiations. Israel and Jordan had succeeded in preventing the internationalization of Jerusalem but nothing more about the city. Only conflict would change that.

### **Six Day War**

In 1967, Egyptian brinkmanship fueled by inaccurate intelligence by the Soviet Union led to the Israeli armed forces calling Nasser's bluff.<sup>9</sup> By the second day of the war, the United States was working with the Soviet Union to initiate a cease fire in place but the Egyptians initially rejected it.<sup>10</sup> By the sixth day, Israel had won a spectacular victory, capturing the whole of the Sinai Peninsula, the Golan Heights and the west bank including the beloved Old City of Jerusalem.<sup>11</sup> They entered the war under the perception that it would be defensive in nature. After the capture of Jerusalem that perception drastically changed.<sup>12</sup>

Knowing that Israel would never voluntarily leave Jerusalem and wanting to use the occupied territories as an incentive for the reluctant Arabs to negotiate, the US spelled out five principals to a full settlement in the Middle East. They were recognition of the state of Israel, justice for refugees, innocent maritime passage, arms limitations and political independence and territorial integrity for all.<sup>13</sup> Disagreements immediately emerged. The Arabs demanded that

Israel withdraw before any negotiations take place. Israel rejected the Arab demand and held out for a package deal: land for peace. In August 1967, the Arab state held a conference in Khartoum. In exchange for oil subsidies, Jordan and Egypt promised the rest of the Arab world no recognition, no negotiations, no peace and no abandonment of the Palestinian refugees.<sup>14</sup>

With the aggressive posturing as a backdrop, the United Nations met and accepted Resolution 242. It was a British compromise that incorporated all five of the US principals with a balanced call for “withdrawal of Israeli armed forces from territories occupied in the recent conflict” along with “termination of all claims of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area...”<sup>15</sup> It was purposefully vague enough for the Israelis to accept. It did not say all territories occupied during the current conflict, which left Israel the option of keeping Jerusalem, which it had annexed less than one week after the cease fire.<sup>16</sup> That same vagueness also created the unfortunate opportunity for differing interpretations by others nations.

The Arab interpretation of Resolution 242 was that Israel must immediately withdraw for all occupied territories and pre '67 territorial lines reestablished. Israel believed that negotiations must occur before any withdrawal and that major territorial revision was not off the table. The US expected only minor revisions with demilitarized zones and a fresh look at Jerusalem.<sup>17</sup> Once again, positions held firm and after three years of intense diplomacy and negotiations, a de-facto new status quo was established with Israel now in control of all of Jerusalem.

With the advent of the Nixon Administration a review of Middle East peace policies was conducted. Nixon would view the Middle East crisis through the lens of the Cold War. Because the Soviet Union supported Egypt, a comprehensive agreement was essential in order to avoid any fighting escalating in to another world war with nuclear weapons. Principals first introduced

by Nixon would come to be regarded as a given in future peace talks. The first was the parties to the dispute must meet and participate in direct negotiations, important at that time because the Arab nations had yet to recognize Israel. The second was Muslims must have some sort of role in a unified city of Jerusalem and lastly there could be no imposed settlement.<sup>18</sup>

The Four Powers Proposal on December of 1969 was the Nixon attempt to solve the problem of Jerusalem. It called for borders between Israel and Jordan to basically follow the '48 armistice line with slight adjustments for administrative or economic convenience. Jerusalem would be considered unified with both countries responsible for civic and economic responsibilities.<sup>19</sup> Jordan is understandably happy with accepting this proposal as the basis for negotiations but Israel immediately rejected it, issuing a statement that it will not be a victim of global politics. Negotiations abruptly end after this statement.<sup>20</sup>

### **Yom Kippur War**

The renewing of hostilities by Egypt and Syria in 1973 was an effort to win back lost territories that prior diplomatic negotiations had failed to win. Given only a ten hour warning of the impending hostilities by its intelligence sources, Israel lost considerable ground on the initial days of fighting but was able to reclaim them and extend gains west of the Suez Canal. The complete surrender of an Egyptian army was within their grasp when pressure for the United States forced them to accept a cease fire. The United Nations approved Resolution 338 calling for a cease fire and the resumption of peace negotiations.<sup>21</sup>

The negotiations after this conflict focus on 'disengagement' between Egypt and Syria and Israel without regard to Jerusalem. These short term goals were adopted purposefully in order to mitigate the international pressures this conflict created.<sup>22</sup> The armies were dangerously close to each other and tensions could easily lead to a resumption of the war and subsequent

involvement by the Soviet Union. Although a conference was organized in Geneva, this was merely window dressing. All concrete negotiations would be bi-lateral and held discretely.<sup>23</sup> Disengagement agreements between Egypt and Israel are signed on 17 Jan 1974 and an agreement between Syria and Israel was signed 31 May 1974.<sup>24</sup> Sinai II was brokered in 1975 calling for Israel to relinquish strategic passes and oil fields back to Egypt.<sup>25</sup>

These talks instilled an unfounded hope that Middle East peace was within reach. It proved that Muslim and Jew could cooperate at the bargaining table with Christian mediators. But it only proved that they could agree to terms that were outside the city of Jerusalem. Secretary of State Kissinger would come away from these talks with a more somber opinion. He felt that a complete solution was unattainable in this generation.<sup>26</sup> What even he failed to articulate was there has never been a generation in the history of recorded time that would come to any agreement on Jerusalem.

### **First Camp David**

As with every American presidency, when the Carter administration assumed power they publicly announced their reengineered formula for success in the Middle East peace negotiations. He believed three principles were necessary. First, there must be the manifestations of normal peaceful relations between the nations like trade and an exchange of diplomats. Next the plan must ensure security for all. Lastly, and in a new twist, there must be a solution to the Palestinian problem.<sup>27</sup> This was the first mention in negotiations since the UN resolution in 1947 that one possible solution might be a homeland for the displaced Palestinians. Immediately, Israel announced it would not accept a Palestinian state on the West Bank.<sup>28</sup>

Another Geneva conference was being organized by the Americans including all Arab nations in addition to Palestinian representation. Egypt and Israel were afraid nothing would be

accomplished with so many varying interests that they began bilateral talks in secret focusing on their particular issues.<sup>29</sup> The world was startled to learn that Sadat himself would travel to Jerusalem in November of 1977. This move put Geneva on the back burner and forced the United States to focus on Bi-lateral talks between Egypt and Israel.

The Camp David Summit between Sadat and Begin began in September of 1987.<sup>30</sup> Very specific principles were reached concerning the bi-lateral agreement but were less clear concerning Palestinian self-government on the West Bank. The question of Jerusalem was raised in every discussion but the Israelis refused to discuss any change to the status quo.<sup>31</sup> What was agreed was there would be letter exchanged between the leaders as an appendix to the Camp David discussions. In it Sadat stated that East Jerusalem must be restored to the West Bank, Arab Jerusalem must be under Arab sovereignty, the holy places may be places under control of their respective administrations and the city should be unified under a single council composed of an equal number of Arabs and Jews.<sup>32</sup> Begin reply that in 1967 Jerusalem was annex by Israel and is its undivided capital.

Negotiations after the principles were signed continued to be confrontational in regards to the Holy City. Egypt continued to ask for linkage between Sinai and the West Bank and Jerusalem. Israel continued to refuse. As instability in Iran mounted, President Carter was under considerable pressure to get the two parties back to the table or face another conflict in the Middle East or worse yet a Democratic defeat in the next Presidential elections. Carter personally traveled to the Middle East to finish the negotiation, shuttling between Cairo and Jerusalem with the latest proposals. In the end he was successful in crafting a historic peace treaty between Egypt and Israel.<sup>33</sup> He would be forced to postpone a more comprehensive treaty which included Palestinians and Jerusalem for a later date.

## **First Intifada**

President Reagan's administration downplayed the possibility of a Palestinian state, focusing instead on a Jordanian-West Bank association. He expected Israel to withdraw to 1967 borders in exchange for Arab recognition and normal relations.<sup>34</sup> Since the Yom Kippur war, the Palestine Liberation Organization had been gaining political power in the Middle East and was recognized as the voice of the Palestinian. Reagan's push to keep the West Bank a Jordanian province did not sit well with the Palestinians living there. Their frustration boiled over into rage at the end of 1987.

Fueled by constant political marginalization on the world stage and even by PLO leadership which had moved to North Africa during the Jewish invasion of Lebanon, Palestinians living in the West Bank and East Jerusalem spontaneously staged a rebellion to Jewish occupation.<sup>35</sup> Commercial strikes, stone throwing, demonstrations, and killing went on for months. So disruptive was the Intifada that it caused Israel to reconsider its position on the Palestinians. It also forced King Hussein of Jordan to announce he was cutting all legal and administrative ties to the West Bank.<sup>36</sup> From that point all future negotiations would include the Palestinians as the representative. In November of 1988, the Palestine National Council declared the establishment of the state of Palestine with its capital in Jerusalem.<sup>37</sup>

## **Oslo Accords**

After the overwhelming victory in Desert Storm many believed the time was ripe for a comprehensive settlement. A conference in Madrid was organized on 30 October 1991 including representatives from Israel, Syria, Lebanon, Jordan and Palestine.<sup>38</sup> No progress was made at all on Jerusalem but for the first time there were bi-lateral talks between Israel and Syria focusing on the land for peace formula that eventually worked in the Sinai.<sup>39</sup>

In 1993, what began as low level exploratory talks in Oslo Norway blossomed into a ground breaking agreement for the West Bank. In it the Palestinians recognized the nation of Israel and Israel the Palestinian's right to a homeland in the West Bank. It created a five year transitional period that would see Israel slowly relinquish land to the Palestinian authority starting in Gaza and the town of Jericho.<sup>40</sup> It also promised future discussions on final status issues of borders, sovereignty, arms control, refugees and Jerusalem. In May of 1994, the implementation plan was signed, which started the five year clock.<sup>41</sup>

In September of 1995, Oslo II was signed. With it the West Bank was divided into three zones: three percent would be under complete Palestinian control, twenty-four percent would have Palestinian administration with Israeli security control. The remaining, including East Jerusalem and the Jewish settlements would remain under complete Israeli control.<sup>42</sup> The Israeli right condemned the Oslo accords as “din mosser” or a religious crime of endangering the lives of Jews by betraying the community.<sup>43</sup> With this as the political backdrop, the only substantive negotiations over the final disposition of Jerusalem began at Camp David.

## **Second Camp David**

Nearing the end of his Administration and looking for a major event to seal his legacy, Clinton aimed for a comprehensive settlement between Palestine and Israel. In an op-ed prior to the beginning of the summit, Thomas Friedman declared, “If these three leaders [Arafat, Barak, and Clinton] can't close the deal then no one can, and we need to know that now.”<sup>44</sup> Borders and security, the right of return and the final status of Jerusalem would be discussed and agreement reached. In discussions leading to the summit there is some friction on Jerusalem. When Barak recommended three Palestinian suburbs of Jerusalem go to Palestine, he lost the National Religious Party as a part of his coalition. Its leader, Yitzhak Levy considered the move

dangerous and a threat to the integrity of Jerusalem.<sup>45</sup> Arafat was concerned about the growing ring of Jewish settlements around East Jerusalem. In a speech before the UN General Assembly he stated the continued construction of settlements is detrimental to future negotiations and must be stopped.<sup>46</sup>

On July 11, 2000 the second Camp David is convened. The Israelis will only accept a comprehensive deal while the Palestinians consider it a stepping stone in a series of negotiations. Arafat believed he would be forced to make concessions on Jerusalem he is not prepared to make.<sup>47</sup> Ominously, on the first evening during the initial discussion with the two leaders, an impasse on Jerusalem is uncovered. Arafat suggests that Jerusalem be divided into east and west both serving as capitals of their respective nations.<sup>48</sup> Barak stated he would never give up sovereignty of East Jerusalem.<sup>49</sup> Arafat replied that nothing can be substituted for Palestinian sovereignty in East Jerusalem.<sup>50</sup>

The first and only attempt to create a working document from which negotiations could begin was still born after four days. Neither side accepted it because of its language on Jerusalem. Israel did not accept the Palestinian position calling for their control of East Jerusalem, even as the beginning of future negotiations.<sup>51</sup> The Palestinians did not accept the Israeli position that Jerusalem should be united under Israeli sovereignty, even as the entering argument of future negotiations.<sup>52</sup> The Americans then made the decision to forget the “non-paper” and all further negotiations were handled verbally.<sup>53</sup>

The next tactic was direct negotiations broke up into three groups: Borders and security, refugees and Jerusalem.<sup>54</sup> A basis for a compromise solution to Palestinian right of return was reached after the first discussion based on a limited number of refugees allowed to return and compensation for the remainder.<sup>55</sup> On borders and security, some progress was made. The



Israelis reduced the amount of territory annexed but would not budge on the settlements surrounding Jerusalem<sup>56</sup> The Palestinians made a huge concession. In exchange for fair treatment of the refugees and sovereignty in East Jerusalem, they would be willing for Clinton to decide how much land would be equitable for the exchange of land annexed by Israel.<sup>57</sup> Tremendous progress has been made in the other areas but it is clear that they cannot proceed further until the problem of Jerusalem is resolved.

The Americans made a last push to find common ground on Jerusalem. Clinton bragged that he has become an expert on Jerusalem. “I’ll be the next mayor of Jerusalem, no doubt about it!”<sup>58</sup> The final Israeli position was Palestinian sovereignty over the Christian and Arab quarters of East Jerusalem with custodianship – but not sovereignty – over the Temple Mount.<sup>59</sup> The Palestinians are willing to give the Israelis sovereignty over the Jewish Quarter of the Old City and the Wailing Wall but the rest of East Jerusalem must be theirs.<sup>60</sup>

Clinton pleaded and cajoled unsuccessfully with Arafat to loosen his position. Arafat replied, “I cannot conclude an agreement without Jerusalem. I will not betray Jerusalem.”<sup>61</sup> The Israelis also would go no further. Barak states, “No Israeli Prime Minister will ever confer exclusive sovereignty over the Temple Mount. It’s been the cradle and the heart of the identity of the Jewish people for 3,000 years.”<sup>62</sup> There would be no common ground found regarding control of Jerusalem. Frankly, it has never been found.

The response to the failure after so much misplaced hope on this summit was the Second Intifada where 73 Arabs die and 2,300 are wounded.<sup>63</sup>

## **Conclusion**

In the many times serious talks that occurred between the Arab nations and Israel, there have been many successes. Egypt and Jordan now enjoy normal relations with Israel. Israel has

returned land occupied in war far exceeding the area of Israel proper. There is no question that common ground can be found.

The problem is there is no common ground concerning Jerusalem. All negotiations prior to the second Camp David never directly addressed the disposition of the city. The incremental approach espoused during these talks was due to the fact that the negotiators knew the problem of Jerusalem was too tough to crack and hoped that progress in other areas would generate the good will needed to overcome the cultural value of Jerusalem. A few sputtering successes in decades will never come close to comparing to the centuries of blood. Jews and Muslims remember.

The second Camp David proved conclusively that Israel will not relinquish Jerusalem nor will the Arabs let it go. It was these negotiations where they discussed the city directly and each time they did talks quickly came to a standstill. Three thousand years of blood and sacrifice have made releasing Jerusalem a nonstarter for both Jews and Muslims. They will not rest until they own all of Jerusalem.

So the solution to Middle East must ensure they both are allowed to possess Jerusalem.

### Notes

<sup>1</sup> Shlaim, Avi, *War and Peace in the Middle East*, (New York: Penguin Books), 22.

<sup>2</sup> Ibid, p.24.

<sup>3</sup> Gorenberg, Gershom. *The End of Days*. (New York: The Free Press, 2000), 94.

<sup>4</sup> Bennvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 25

<sup>5</sup> Ibid, p.26.

<sup>6</sup> Ibid, p.28.

<sup>7</sup> Ibid, p.29.

<sup>8</sup> Ibid, p.30.

<sup>9</sup> Quandt, William B, *Peace Process*. (Washington DC: The Brookings Institution, 2005), 24.

<sup>10</sup> Ibid, p.43.

<sup>11</sup> Shlaim, Avi, *War and Peace in the Middle East*, (New York: Penguin Books), 42.

## Notes

- <sup>12</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 33.
- <sup>13</sup> Quandt, William B, *Peace Process*. (Washington DC: The Brookings Institution, 2005), 44-45.
- <sup>14</sup> Ibid, p.46.
- <sup>15</sup> Ibid, p.46.
- <sup>16</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 33.
- <sup>17</sup> Shlaim, Avi, *War and Peace in the Middle East*, (New York: Penguin Books), 44.
- <sup>18</sup> Quandt, William B, *Peace Process*. (Washington DC: The Brookings Institution, 2005), 63-64.
- <sup>19</sup> Ibid, p. 68.
- <sup>20</sup> Ibid, p. 68.
- <sup>21</sup> Ibid, p.119.
- <sup>22</sup> Ibid, p.132.
- <sup>23</sup> Ibid, p.135.
- <sup>24</sup> Ibid p. 143 and 151.
- <sup>25</sup> Shlaim, Avi, *War and Peace in the Middle East*, (New York: Penguin Books), 48.
- <sup>26</sup> Quandt, William B, *Peace Process*. (Washington DC: The Brookings Institution, 2005), 170.
- <sup>27</sup> Ibid, p.182.
- <sup>28</sup> Ibid, p.183.
- <sup>29</sup> Ibid, p.188.
- <sup>30</sup> Ibid, p.197.
- <sup>31</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 40.
- <sup>32</sup> Ibid, p.41.
- <sup>33</sup> Quandt, William B, *Peace Process*. (Washington DC: The Brookings Institution, 2005), 234.
- <sup>34</sup> Ibid, p.255.
- <sup>35</sup> Benvenisti, Meron, *City of Stone*. (Berkeley: University of California Press, 1996), 44.
- <sup>36</sup> Ibid, p.44.
- <sup>37</sup> Ibid, p.44.
- <sup>38</sup> Quandt, William B, *Peace Process*. (Washington DC: The Brookings Institution, 2005), 310.
- <sup>39</sup> Ibid, p.316.
- <sup>40</sup> Ibid, p.329.
- <sup>41</sup> Ibid, p.330.
- <sup>42</sup> Ibid, p.336.
- <sup>43</sup> Enderlin, Charles. *Shattered Dreams*. Translated by Susan Fairfield. (New York: Other Press, 2003), 16.
- <sup>44</sup> Swisher, Clayton E. *The Truth About Camp David*. (New York: Nations Books, 2004), 239.
- <sup>45</sup> Enderlin, Charles. *Shattered Dreams*. Translated by Susan Fairfield. (New York: Other Press, 2003), 151.
- <sup>46</sup> Swisher, Clayton E. *The Truth About Camp David*. (New York: Nations Books, 2004), 147.

## Notes

<sup>47</sup> Enderlin, Charles. *Shattered Dreams*. Translated by Susan Fairfield. (New York: Other Press, 2003), 179.

<sup>48</sup> Swisher, Clayton E. *The Truth About Camp David*. (New York: Nations Books, 2004), 226.

<sup>49</sup> Ibid, p. 261.

<sup>50</sup> Enderlin, Charles. *Shattered Dreams*. Translated by Susan Fairfield. (New York: Other Press, 2003), 183.

<sup>51</sup> Ibid, p. 190.

<sup>52</sup> Ibid, p. 192.

<sup>53</sup> Swisher, Clayton E. *The Truth About Camp David*. (New York: Nations Books, 2004), 270.

<sup>54</sup> Ibid, p.272.

<sup>55</sup> Enderlin, Charles. *Shattered Dreams*. Translated by Susan Fairfield. (New York: Other Press, 2003), 198-200.

<sup>56</sup> Swisher, Clayton E. *The Truth About Camp David*. (New York: Nations Books, 2004), 284.

<sup>57</sup> Ibid, p.287.

<sup>58</sup> Enderlin, Charles. *Shattered Dreams*. Translated by Susan Fairfield. (New York: Other Press, 2003), 225.

<sup>59</sup> Swisher, Clayton E. *The Truth About Camp David*. (New York: Nations Books, 2004), 295.

<sup>60</sup> Enderlin, Charles. *Shattered Dreams*. Translated by Susan Fairfield. (New York: Other Press, 2003), 258.

<sup>61</sup> Ibid, p.234.

<sup>62</sup> Ibid, p.274.

<sup>63</sup> Ibid, p.304.

## **Chapter 4**

### **Corpus Universitas**

#### **The Death of a Negotiated Settlement**

A negotiated settlement will never succeed because the protagonist's positions will never intersect. Muslims will never allow Jews to control the Haram A-Sharif. Israel will never relinquish the Temple Mount after having been denied it for 1,897 years. Where they both agree is they will never allow Christians to control it through an international agreement. Sadly, if the history of three millennia is taken into account, there is no middle ground to reach.

One constant principal throughout all the modern negotiations has been an understanding that all parties must approve of the final solution. This falsely assumes in Jerusalem there is middle ground on which the parties can discover and agree. If a negotiated settlement on Jerusalem is impossible then that principal must be abandoned. This leaves the world community two options. Like a parabolic curve we can continue to work towards a negotiated settlement, slowly whittling away at differences on the fringe, calling it progress but never reaching a lasting solution because a compromise solution to Jerusalem is imaginary. The other option is a settlement forced on the Palestinians and the Israelis with which neither will be completely happy but where each party considers the other to have lost as well.

If Palestine is granted East Jerusalem as a capital, the Jewish right to the Mount is ignored. Israel would fight as they did so many times throughout the centuries against

impossible odds before they would let it go. Given the weapons Israel now possesses, the conflict would be very costly one indeed. One could also expect Israel would continue to struggle to reclaim the Old City after they have been forcibly rejected just as they have done throughout the centuries.

If Israel is allowed to keep East Jerusalem, the best possible result would be a third Intafada with vigorous support for the hundreds of thousands of Palestinian demonstrators from the entire Muslim world. At worst one could expect a fourth Arab-Israeli war with the distinct possibility of it expanding into the third World War fought using weapons of mass destruction.

The forced solution, in order to ensure no perceived winners and losers, must ensure both Israelis and Arabs have ownership of Jerusalem. This lends itself to the solution which Christian led Europe has envisioned from the beginning of the modern era: an internationally governed open city where the residents of the city own no allegiance to any other nation and status-quo of the various holy sites are maintained. However, this concept of a *Corpus Separatum* is a non-starter. Both the Israelis and the Palestinians will resist because they feel it is in effect giving up Jerusalem to Christians in another UN sanctioned mandate. On this both parties have consistently agreed.

### **Jerusalem as a World City – *Corpus Universitas***

At the core of a palatable forced settlement are three overarching issues. First, both Israelis and Palestinians must feel they did not lose and maybe more importantly, the opposition did not win. Second, the solution cannot be perceived as another Christian mandate. Lastly, Jews and Muslims must feel they own Jerusalem with enough local sovereignty coupled with adequate control over their respective holy sites to be an acceptable compromise solution.

To facilitate all three the concept of Jerusalem being separate must be rejected for the notion that Jerusalem belongs to everyone – a *Corpus Universitas*. A citizen of any nation de-facto is a citizen of Jerusalem and has a right to live there without giving up the citizenship to their mother country. Legislation can be created to regulate the right of citizens to participate in local city governance, for instance proof of residency for a period of time. This allows Israelis and Palestinians to both claim the whole of Jerusalem as part of any future negotiated nation while still maintaining a special international status.

### **City Administration**

Any city must have an administration for proper function. For a forced agreement on Jerusalem that would be acceptable for Palestinians and Israelis, two things must be present. First, both must have a mechanism to affect governance and secondly, ultimate jurisdiction cannot be given to Jew, Muslim or Christian. These seemingly contradictory set of requirements lends itself to a two-tier system of local municipalities with oversight from a central governing body.

Most proposals of city government structure in the past have recognized the need for decentralized boroughs with considerable powers. The most obvious separation of the Old City can be the ethnically homogeneous quadrants. Most important is, however the separation, local residents have the power to form municipal councils with autonomy to write laws for approval by a city council.

Where the municipal government stops and the city administration's begin is debatable but two things must be present. First, a single member nation of the United Nations, which is neither associated with Christianity, Islam or Judaism must be responsible. Second, the power this selected nation enjoys in Jerusalem must be limited and revocable.

Only a single nation in the UN is acceptable because they must be held responsible by that body for their administration of Jerusalem. The power they hold must be revocable as an added measure of restraint to what must inevitably be a corruptible position. It must not be associated with the three monolithic religions and its power must be limited in order to make it acceptable to both Israelis and Palestinians, who will oppose and resist any plan they perceive as giving control of the city to a rival religion.

The administration would be responsible for maintaining the current status-quo over the holy sites. They would maintain the city's security both internally and from any external threats and they would be responsible for coordinating services between the local municipalities. They would be responsible for the execution of the United Nation's budget plan but would have no taxing authority nor responsible for any funds collection of any kind.

### **The Role of the United Nations**

The ultimate key to success or failure of this new political entity will reside with the United Nations. The administration of an international Jerusalem goes way beyond a standard peace keeping force. It would be the first international government for a completely new political construct with specific challenges. The concept must ensure any excesses executed by the appointed administration are dealt with swiftly and resolutely. Consequently, there must be real teeth to the oversight of the administration within the constitution or all will be quickly lost. This ground breaking constitution will be the first responsibility and a requirement before any treaty is implemented.

The primary function of the United Nations is creating legitimacy for Jerusalem's central Administration. There must be a mechanism to review and grade the administration's effectiveness periodically and another mechanism to 'impeach' the administration and quickly



replace it with another nation. This is essential for Israel and Palestine to feel they hold some sort of input to the overall governance of the city.

In addition, they will be responsible for creating and funding Jerusalem's budget. Finally, they will ensure the constitutionality of any new legislation created by the third governmental entity for Jerusalem.

### **The Global Council of Jerusalem**

After the UN Resolution in 1947, work continued on Jerusalem's future governmental bodies. In 1950, the UN Trusteeship Council ratified a stature that created a legislative council for the city consisting equally of Jews, Muslims and Christians.<sup>1</sup> Although this plan was overcome by events with the first Arab-Israeli War, it serves as excellent construct for the legislative body of Jerusalem.

In Jerusalem, status quo is synonymous with stability. Any perturbation to the status of the holy sites would quickly erupt into demonstrations and bloodshed. The constitution should include the current status quo of the holy places as law. This law, as well as any constitutionally mandated directive, can only be changed by the Global Council of Jerusalem.

As the Trusteeship Council recommended, it should include an equal number of Muslims, Jews and Christians. In addition, each council member must be a citizen of different nations and must originate from different sect within the religion. For instance, the Council could consist of nine members: three Muslims from the Wahhabi, Sunni and Shiite sects, three Jews from Orthodox, Reform and Hasidic sects and three Christians each from Catholic, Protestant and Eastern Orthodox sects. Each council members must come from different sovereign UN nations. Additionally, a permanent Israeli and Palestinian presence in this council would further reinforce the concept that each has a direct impact on the city governance.

They would have the responsibility to approve any changes to local municipality law and can create new legislation dealing with laws binding to all municipalities. In order to approve any legislation, a super majority must be required. For instance, in the nine member council example above, approval from seven members out of nine would be required to pass new legislation. That ensures that at least one member from every religion approves each amendment and has the best chance to mitigate any religious oriented laws creating discord.

They would be responsible for recommending future budget requirements to the United Nations much like a Presidential budget in the United States. They would audit current budget execution and report any deviations to the United Nations. There would be a special mechanism by which the council could bring to the attention any unlawful or abusive act by the administration of the United Nations. Lastly, they would act as cultural advisors to that same city administration, which by definition would be foreign and unfamiliar with every religious sensitivity.

### **Checks and Balances of a Different Color**

This governmental triumvirate would exist as a kind of checks and balances designed solely to ensure Jews, Muslims and Christians can possess enough sovereignty over the city and their religious sites to allow an international construct for the city. It also is designed to enforce the status quo essential to peaceful operation within the city.

The United Nations would have ultimate authority but would not be a part in administering the city. The Administration is given enough power to maintain control and defend the city but can only enforce laws created by the local population and the city council and can be removed for poor performance. The Legislative branch is broke up into two levels and

must carry a super majority to create legislation which must be reviewed for constitutionality by the United Nations.

### **Notes**

- <sup>1</sup> Benvenisti, Meron. *City of Stone*. (Berkeley: University of California Press, 1996), 213.

## **Chapter 5**

### **Conclusions**

For sixty years the world has tried to find a solution to peace in the Middle East. Intractability has been the by-word throughout every negotiation. Yet in brief flashes significant progress has been made at the fringes of the problem. Both Israelis and Arabs have shown flexibility with regard to recognition, territory and even refugee rights. But what never has been a bargaining chip is the holy city of Jerusalem.

The key to this red line is the religious significance the city holds for the three monolithic religions. Possession of this city has become irrevocably intertwined in two of the religions and was significant enough to cause the third to inflict irreconcilable harm to the other two. The centuries of abuse have only added value to the city in the eyes of Jews, Muslims and Christians. It has created sunk costs that will never be forgiven. It is an anchor belief that can never be freed from its mooring.

This means the past philosophy of working toward a negotiated settlement where all parties agree to all terms can never be realized. Israel will never give up Jerusalem and the Palestinians will never let it go. If there is to be an agreement with regard to Jerusalem, it will have to be forced and enforced.

But a forced settlement does not mean it will not be accepted nor will it inevitably mean violence. If all parties perceive that there is no real winner then they are more likely to accept a mandate that is less than they desired. Those sunk costs due to the harm received at the hands of their enemies far exceed the intrinsic value of the city itself. If neither nation can singularly possess Jerusalem then they both must possess it in the form of an international mandate as originally envisioned after World War I but with a very important twist.

Instead of a separate body, *Corpus Separatum*, Jerusalem must be considered as a special city possessed by the entire world, a *Corpus Universitas*. The former designation contains the offensive flavor of Christian imperial motives that neither Jews nor Muslims will accept just as negotiations between Jordan and Israel played out after the first Arab-Israeli war. Enemies who had recently shed each other's blood in an attempt to possess Jerusalem were quite willing to agree that an international mandate would be unacceptable. The more positive notion of a world city does not feel like external suppression but more like a more inclusive evolution in government to what can only be considered a universally valued city that transcends national borders.

That is only the first step. To provide flesh to the new skeletal concept, an original form of supra-national government must be developed to assure acceptance and cooperation from Muslims and Jews. First, the single nation that acts as administrators in Jerusalem cannot have contributed to the sunk costs accumulated over the centuries. That nation must ensure the status quo is maintained without injuring the religious scruples of the three faiths. Their power must be limited, revocable and as free as possible from any temptation of corruption.

Only the United Nations has the legitimacy to sanction this *Corpus Universitas*. It must develop the constitution that creates this new government, it must be the source of funding, and it

must have the power to remove any substandard administration. What is required is not a peace keeping construct writ large but the realization of which the United Nations was initially conceived: an active and substantive contribution to regional peace.

In order for Muslims and Jews to feel they truly own Jerusalem they must be substantially included in the legislation of the city. Local boroughs where they live must have the power to run local government as they see fit within the confines of the city constitution and they must be members of a city council that has the power to add or amend the city constitution. However, in a volatile city of multiple religions that has witnessed the slaughter of hundreds of thousands over the centuries; the status quo must be extremely hard to change. A super majority including buy in from all three religions must be required before any change to the city constitution approved. It then must pass muster before the entire world in the United Nations before it can be considered law.

The central issue of peace in the Middle East is Jerusalem. Issues between Israel and Palestine on security, borders and refugee rights could be resolved if a final acceptable status of Jerusalem is found. Solve Jerusalem and you will finally solve thirty centuries of conflict.

## ***Bibliography***

- Armstrong, Karen. *Jerusalem*. New York: Alfred A Knopf, 1996.
- Benvenisti, Meron. *City of Stone*. Berkeley: University of California Press, 1996.
- Eiland, Giora. *Rethinking the Two State Solution*. Washinton DC: Washington Institute for Near East policy, 2008.
- Enderlin, Charles. *Shattered Dreams*. Translated by Susan Fairfield. New York: Other Press, 2003.
- Gorenberg, Gershom. *The End of Days*. New York: The Free Press, 2000.
- Josephus, Flavius. *Josephus, The Complete Works*. Translated by William Whiston. Thomas Nelson Publishers: Nashville, 1998.
- Kovarik, Bill. "The Oil Reserve Fallacy". 2003-2008 n.p. Online. Available from <http://www.runet.edu/~wkovarik/oil/>.
- Norwich, John Julius. *Byzantium, The Early Centuries*. New York: Alfred A Knopf, 1996.
- Quandt, William B. *Peace Process*. Washington DC: The Brookings Institution, 2005.
- Reston, James Jr. *Warriors of God*. New York: Anchor Books, 2001.
- Robinson, John J. *Dungeon, Fire and Sword*. New York: M. Evans & Company Inc., 1991.
- Shlaim, Avi. *War and Peace in the Middle East*. New York: Penguin Books, 1995.
- Swisher, Clayton E. *The Truth About Camp David*. New York: Nations Books, 2004.